

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

KEVIN A. GARY

Plaintiff,

Case No: 2:17-cv-10544

v

HON. GERSHWIN A. DRAIN

TRUEBLUE, INC. d/b/a
LABOR READY, INC., d/b/a
PEOPLE READY, INC.

Defendants.

Kevin A. Gary
Plaintiff *In Pro Per*
3210 Hogarth
Detroit, MI 48207
(313) 894-2330
kagary14@hotmail.com

Scott W. Kramer (P69822)
KUIPER ORLEBEKE PC
Attorneys for Defendants
180 Monroe NW, Suite 400
Grand Rapids, MI 49503
(616) 454-3700
kraemer@kolaw.com

**DECLARATION OF JACOB L. KARCZEWSKI IN SUPPORT OF REQUEST
FOR ADDITIONAL TIME UNDER FRCP RULE 56(D)**

1. I am Senior Corporate Counsel for TrueBlue, Inc. and PeopleReady, Inc., and I am primarily responsible for managing this litigation for Defendant PeopleReady, Inc. ("Defendant"). From the beginning of this litigation I have been responsible for managing discovery and law and motion practice.

2. I have reviewed Plaintiff Kevin Gary's Motion for Summary Judgment (Dkt. 20), his Statement of Undisputed Material Facts (Dkt. 21-2), his declaration in support of Summary Judgment (Dkt. 21-3) and the exhibits attached thereto.
3. On April 12, 2018, I requested dates to take Kevin Gary's deposition in this matter. The email correspondence between myself and Mr. Gary is attached hereto as Exhibit A. Mr. Gary refused to provide any dates for his deposition and instead he filed his summary judgment motion on Saturday, April 14, 2018. To date, Mr. Gary has still not provided any dates for his deposition. We were forced to unilaterally set his deposition for May 11, 2018.
4. Having reviewed Mr. Gary's declaration and evidence in support of his motion for summary judgment it is necessary for Defendant to depose Mr. Gary before filing an opposition to Mr. Gary's Summary Judgment Motion. The necessity to depose Mr. Gary is evidenced by the fact that *nine (9) out of the twelve (12) of his Statement of Undisputed Material Facts rely exclusively on statements made in this declaration.* (Dkt. 21-2, Nos. 2, 4-5, and 7-12). Defendant would be severely prejudiced if it was denied the opportunity to depose Mr. Gary on the statements made in this declaration. In this case when and how Mr. Gary provided and/or withdrew consent to receive messages is a crucial fact. Mr. Gary's untested statements in his declaration must be explored through deposition before Defendant is required to oppose his motion.
5. No prejudice exists in continuing the deadline for Defendant to oppose the summary judgment motion until after Plaintiff's deposition on May 11. The

current, relevant deadlines in this matter are as follows: May 4 – Defendant’s opposition to Summary Judgment due; May 21 – Discovery Cutoff; June 21 – Dispositive motions deadlines; November 27, 2018 – trial. Defendant intends to file its own summary judgment motion before the June 21 deadline. Therefore, Defendant respectfully suggests that the court continue the deadline to oppose Plaintiff’s Summary Judgement Motion to the same date as his opposition will be due to Defendant’s Summary Judgment Motion. If the Court is not inclined to coordinate the hearing and briefing schedules for both summary judgment motions, *Defendant proposes that, at least, it be provided until May 25, 2018, to file its opposition to Plaintiff’s summary judgment motion.*

I declare under the penalty of perjury that the foregoing is true and correct.

Date: April 26, 2018

By: 

Jacob L. Karczewski
Sr. Corporate Counsel, PeopleReady, Inc.

EXHIBIT A

Susan Basinski

From: Karczewski, Jacob <jkarczewski@Trueblue.com>
Sent: Thursday, April 12, 2018 9:47 PM
To: Kevin Gary
Cc: Scott Kraemer; Colby, Lorraine (Contractor)
Subject: Re: Gary v. PR

Mr. Gary I am asking you for dates you are available for your deposition. Are you refusing to provide them? If so we will set a date unilaterally.

Jacob

On Apr 12, 2018, at 6:01 PM, Kevin Gary <kagary14@hotmail.com> wrote:

Good evening,

1. Please contact the attorney of record in this case in the Eastern District of Michigan.

Here is his information:

Scott W. Kraemer

180 Monroe Ave, Suite 400
Grand Rapids, MI 49503
Phone: 616.454.3700
Fax: 616.454.0441

Thanks

From: Karczewski, Jacob <jkarczewski@Trueblue.com>
Sent: Thursday, April 12, 2018 4:41 PM
To: Kevin Gary
Cc: Scott Kraemer; Colby, Lorraine (Contractor)
Subject: RE: Gary v. PR

Kevin, your reading of that rule is incorrect. I'm a member of good standing in multiple state and federal bars and courts. Under that same rule you cited I am entitled to require you confer with me as counsel, and I can take your deposition without being admitted *pro hac vice*, which I intend to do.

Please provide dates during the week of May 7, 2018, when you can sit for your deposition.

Also, I have done nothing to harass you and have no idea what you are talking about. I do, however, consider your frivolous lawsuit against my client harassment which will be shown during the continued litigation of this case.

Thanks,

Jacob

Jacob L. Karczewski | Senior Corporate Counsel

TrueBlue, Inc.

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(P) 253-680-8494

jkarczewski@trueblue.com

The TrueBlue companies

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From: Kevin Gary [<mailto:kagary14@hotmail.com>]
Sent: Thursday, April 12, 2018 12:46 PM
To: Karczewski, Jacob <jkarczewski@Trueblue.com>
Cc: Scott Kraemer <Kraemer@kolaw.com>
Subject: Re: Gary v. PR

Good day,

1. Under Attorney Admission LR 83.20 (i)(1) (i) You may...cosign papers and participate in pretrial conferences in conjunction with a member of the bar of the court.
2. Unless you plan on being admitted as pro-hac-vice in this jurisdiction, then I suggest you contact the attorney of record in this case.
3. You have contacted me before concerning this matter and this case. The Fed. R. of Civ. P. and this Court govern what I **need** to do. I consider your actions to be very unprofessional. Please refrain from contacting me, as I consider it harassment.

Regards

From: Karczewski, Jacob <jkarczewski@Trueblue.com>
Sent: Thursday, April 12, 2018 1:29 PM
To: kagary14@hotmail.com
Subject: Gary v. PR

You need to be cc'ing me on all communications regarding your lawsuit moving forward.

Thanks,

Jacob

Jacob L. Karczewski | Senior Corporate Counsel

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